



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MPR/RCH/HDM/PP
F. #2019R00927

*271 Cadman Plaza East
Brooklyn, New York 11201*

June 15, 2021

By ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Genaro Garcia Luna
Criminal Dkt. No. 19-576 (BMC)

Dear Judge Cogan:

The parties respectfully submit this written status update to the Court in the above-captioned matter. The parties respectfully request that the Court adjourn the upcoming status conference scheduled for June 23, 2021 for 60 days. The parties agree that an order of excludable delay is appropriate based on the Court's previous complex case designation in this matter.

In addition, the parties respectfully write to update the Court on the following issues:

- Discovery
 - The government continues the process of collecting and reviewing discovery for production to the defendant on a rolling basis. Following the parties' last status letter on April 15, 2021, the government made an additional discovery production on May 18, 2021, totaling more than 31,000 pages of documents. See Dkt. No. 65.
 - The government also is awaiting responses from outstanding subpoenas. In addition, the government has submitted MLAT requests for foreign evidence. Although the government has received some responsive information, it is awaiting additional MLAT responses.
 - To date, the government has produced more than 1 million pages of documents and voluminous intercepted and recorded communications. The government

has produced the majority of the discoverable material in its possession. It expects to make smaller productions on a rolling basis as it receives additional discoverable materials and/or identifies such material in its possession. It expects to make its next production in the coming weeks.

- Trial Preparation

- The parties continue to face delays in preparing for trial in this case, in light of the pandemic, including limitations on the government's ability to meet with incarcerated witnesses and limitations on defense counsel's ability to meet with the defendant.

- CIPA

- The government is continuing its review of materials needed to complete litigation in this matter pursuant to the Classified Information Procedures Act, 18 U.S.C. App. 3, §§ 1-16 ("CIPA"). The government expects that the necessary steps to complete CIPA litigation will take several more months. The government will file its motion for a pretrial conference pursuant to Section 2 of CIPA, once it has a better sense of the anticipated schedule for completing CIPA litigation.

Respectfully submitted,

MARK J. LESKO
Acting United States Attorney

By: /s/
Michael P. Robotti
Ryan C. Harris
Hiral D. Mehta
Philip Pilmar
Assistant U.S. Attorneys
(718) 254-7000

cc: Cesar de Castro, Esq.
Clerk of the Court (BMC) (by ECF)